

By: Price

H.B. No. 2727

A BILL TO BE ENTITLED

AN ACT

relating to the provision of home telemonitoring services under Medicaid.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 531.02164, Government Code, is amended by amending Subsections (b), (c), and (f) and adding Subsections (c-2) and (c-3) to read as follows:

(b) If the commission determines that establishing a statewide program that permits reimbursement under Medicaid for home telemonitoring services would be clinically effective ~~[cost-effective]~~ and feasible, the executive commissioner by rule shall establish the program as provided under this section.

(c) The program required under this section must:

(1) provide that home telemonitoring services are available only to persons who:

(A) are diagnosed with one or more of the following conditions:

(i) pregnancy;

(ii) diabetes;

(iii) heart disease;

(iv) cancer;

(v) chronic obstructive pulmonary disease;

(vi) hypertension;

(vii) congestive heart failure;

(viii) mental illness or serious emotional disturbance;

(ix) asthma;

(x) myocardial infarction; or

(xi) stroke; and

(B) exhibit at least one ~~[two or more]~~ of the following risk factors:

(i) two or more hospitalizations in the prior 12-month period;

(ii) frequent or recurrent emergency room admissions;

(iii) a documented history of poor adherence to ordered medication regimens;

(iv) a documented risk ~~[history]~~ of falls ~~[in the prior six-month period]~~; and

(v) ~~[limited or absent informal support systems,~~

~~[(vi) living alone or being home alone for extended periods of time, and~~

~~[(vii)]~~ a documented history of care access challenges;

(2) ensure that clinical information gathered by the following providers while providing home telemonitoring services is shared with the patient's physician:

(A) a home and community support services agency;

(B) a federally qualified health center, as defined by 42 U.S.C. Section 1396d(1)(2)(B);

1                    (C) a rural health clinic, as defined by 42  
2 U.S.C. Section 1396d(1)(1); or

3                    (D) a hospital ~~[while providing home~~  
4 ~~telemonitoring services is shared with the patient's physician];~~  
5 ~~[and]~~

6                    (3) ensure that the program does not duplicate disease  
7 management program services provided under Section 32.057, Human  
8 Resources Code;

9                    (4) require a provider to:

10                    (A) establish a plan of care that includes  
11 outcome measures for each patient who receives home telemonitoring  
12 services under the program; and

13                    (B) share the plan and outcome measures with the  
14 patient's physician; and

15                    (5) subject to Subsection (c-2) and to the extent  
16 permitted by state and federal law, provide patients experiencing a  
17 high-risk pregnancy with clinically appropriate home  
18 telemonitoring services equipment for temporary use in the  
19 patient's home.

20                    (c-2) For purposes of Subsection (c)(5), the executive  
21 commissioner by rule shall:

22                    (1) establish criteria to identify patients  
23 experiencing a high-risk pregnancy who would benefit from access to  
24 home telemonitoring services equipment;

25                    (2) ensure that, if feasible and clinically  
26 appropriate, the home telemonitoring services equipment available  
27 under the program include uterine remote monitoring services

equipment and pregnancy-induced hypertension remote monitoring services equipment;

(3) subject to Subsection (c-3), require that a provider obtain:

(A) prior authorization from the commission before providing home telemonitoring services equipment to a patient during the first month the equipment is provided to the patient; and

(B) an extension of the authorization under Paragraph (A) from the commission before providing the equipment in a subsequent month based on the ongoing medical need of the patient; and

(4) prohibit payment or reimbursement for home telemonitoring services equipment during any period that the equipment was not in use because the patient was hospitalized or away from the patient's home regardless of whether the equipment remained in the patient's home while the patient was hospitalized or away.

(c-3) For purposes of Subsection (c-2), the commission shall require that:

(1) a request for prior authorization under Subsection (c-2)(3)(A) be based on an in-person assessment of the patient; and

(2) documentation of the patient's ongoing medical need for the equipment is provided to the commission before the commission grants an extension under Subsection (c-2)(3)(B).

(f) To comply with state and federal requirements to provide access to medically necessary services under the Medicaid managed

care program and if the commission determines it is cost-effective  
and clinically effective, a Medicaid managed care organization may  
reimburse providers for home telemonitoring services provided to  
persons who have conditions and exhibit risk factors other than  
those expressly authorized by this section. ~~[In determining~~  
~~whether the managed care organization should provide reimbursement~~  
~~for services under this subsection, the organization shall consider~~  
~~whether reimbursement for the service is cost-effective and~~  
~~providing the service is clinically effective].~~

SECTION 2. If before implementing any provision of this Act  
a state agency determines that a waiver or authorization from a  
federal agency is necessary for implementation of that provision,  
the agency affected by the provision shall request the waiver or  
authorization and may delay implementing that provision until the  
waiver or authorization is granted.

SECTION 3. This Act takes effect immediately if it receives  
a vote of two-thirds of all the members elected to each house, as  
provided by Section 39, Article III, Texas Constitution. If this  
Act does not receive the vote necessary for immediate effect, this  
Act takes effect September 1, 2023.